

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DJGPC FILE  
NO. : 24451

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ADVANCED MARKETING RESEARCH, INC.,  
D/B/A EVERYDAY FURNISHINGS,

Case No.  
CV 07-11212 (RMB)

Plaintiff,

-against-

PILOT AIR FREIGHT CORP.,

Defendant.

-----X

VERIFIED REPLY  
TO COUNTERCLAIM

Plaintiff, by DAVID J. GOLD, P.C., its attorney, as  
and for its Verified Reply to the defendant's Counterclaim  
herein, respectfully alleges:

ANSWERING DEFENDANT'S COUNTERCLAIM:

FIRST: Denies each and every allegation as set  
forth in paragraphs marked "12," "13" and "14" of  
defendant's Answer and (Unverified) Counterclaim.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

SECOND: Defendant's (Unverified) Counterclaim  
fails to sufficiently state a cause of action against  
plaintiff upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

THIRD: Defendant has unclean hands.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE:

FOURTH: Breach of contract by defendant.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:

FIFTH: Laches, waiver and estoppel.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE:

SIXTH: Full payment.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE:

SEVENTH: Lack of subject matter jurisdiction and  
improper venue.

WHEREFORE, plaintiff demands judgment against  
defendant as prayed for in its Verified Complaint, together  
with the dismissal of defendant's (Unverified)

Counterclaim, plus the costs and disbursements of this action.

*Yours, etc.*

DAVID J. GOLD, P.C.  
(DG-4912)

Attorney for Plaintiff  
Office and P.O. Address  
116 John Street, Suite 3110  
New York, New York 10038-3411  
Tel.: (212) 962-2910  
Fax: (212) 962-2919  
EMail: djgpcesql@aol.com

TO: NIXON PEABODY LLP  
Attorneys for Defendant  
Office and P.O. Address  
437 Madison Avenue  
New York, New York 10022  
Tel.: (212) 940-3726  
Fax: (212) 940-3111

ATTORNEY'S AFFIRMATION

STATE OF NEW YORK )

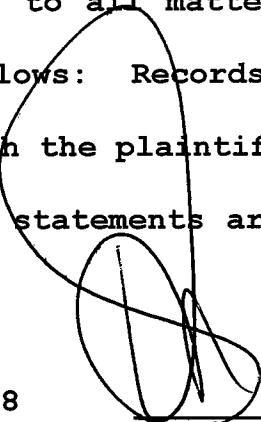
COUNTY OF NEW YORK ) ss.:

I, the undersigned, an attorney admitted to practice in the courts of the State of New York, state that I am the attorney of record for the plaintiff in the within action; I have read the foregoing REPLY TO COUNTERCLAIM and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by the plaintiff is because the plaintiff is not located in the county wherein your affiant maintains his office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Records contained in my file and conversations had with the plaintiff.

I affirm that the foregoing statements are true, under the penalties of perjury.

Dated: New York, New York  
Friday, January 04, 2008

  
DAVID J. GOLD, ESQ.

AFFIDAVIT OF SERVICE

STATE OF NEW YORK )

COUNTY OF NEW YORK ) ss.:

LOUISE SAUER, being duly sworn, deposes and says:

I reside in New York, New York.

I am over the age of 18 years and am not a party to the  
within action.

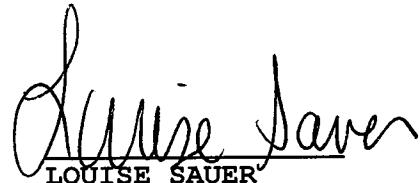
On Friday, January 04, 2008, I served the annexed:

**VERIFIED REPLY TO COUNTERCLAIM**

upon NIXON PEABODY LLP, the persons named therein as the  
attorneys for the named defendant, in the following manner:

By mailing the same in a sealed envelope with postage  
prepaid thereon, in a post office or official depository of the  
U.S. Postal Service within the State of New York, via regular  
mail, addressed to the last known address of the addressee(s) as  
indicated below (the address designated by said party as his/her  
address):

437 Madison Avenue  
New York, New York 10022



LOUISE SAUER

Sworn to before me this  
Friday, January 04, 2008.

\_\_\_\_\_  
NOTARY PUBLIC

DAVID J. GOLD

NOTARY PUBLIC, STATE OF NEW YORK  
NO. 31-4872791

QUALIFIED IN NEW YORK COUNTY  
COMMISSION EXPIRES 09/15/2010

DAVID J. GOLD, P.C.

CASE NO.: CV-07-11212 (RMB)  
CALENDAR NO.:  
DJGPC FILE NO.: 24451

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ADVANCED MARKETING RESEARCH, INC., D/B/A EVERYDAY  
FURNISHINGS,

PLAINTIFF,

-AGAINST-

PILOT AIR FREIGHT CORP.,

DEFENDANT.

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*VERIFIED REPLY TO COUNTERCLAIM*

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Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the courts of New York State certifies that, upon information and belief and reasonable inquiry, the contentions contained in the annexed document are not frivolous.

\_\_\_\_\_  
DAVID J. GOLD, P.C.  
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